IN THE HIGH COURT OF UTTARTANCHAL
AT NAINITAL
Criminal Misc. Application No. 587 of 2005

Surendra S/o Beer Singh
R/o Village Dada Jalapur
P.s. Bhagwan Pur
District Haridwar

… Applicant.

Versus

1 State of Uttaranchal
2. Nathi Ram S/o Harnand
R/o Village Dada Jalapur
P.S. Bhagwanpur District Haridwar .. Respondents

Hon'ble B.C. Kandpal, J

By way of this petition under Section 482 Cr.P.C., a prayer has been sought for quashing the summoning order dated 07.04.2005 in case No. 135 of 2005 Nathi Ram Vs Surendra Singh Sections 420, 504, 506 I.P.C. P.S. Bhagwanpur, District Hardwar pending before the Civil Judge (J.D.) Roorkee, District Haridwar.

Brief facts giving rise to this petition are that the complaint was lodged by Nathiram alleging therein that the complainant is a resident of Village Dada Jalapur and is a member of Sadhan Shakari Samiti, Village Dada Jalapur, P.S. Bhagwanpur, District Haridwar and also stated that the complainant is a labour class person of Scheduled Caste and allegation in the complaint against the present applicant is that he has taken loan from the name of respondent No. 2 without any power and committed fraud against the respondent No. 2.

Heard Sri Sanjeev Singh learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner has argued that on prima facie case under section 420, 504 and 506 read with Section 3(1)(10) S.T. Act is made out against the petitioner.

On the perusal of the complaint as well as the other papers pertaining to the present case, which have been filed by the petitioner, I

do not find any ground, which any suggest that there is a serious miscarriage of justice and abuse of process of the court.

The petitioner may raise all these contentions before the court below as all these contentions are question of facts, which can only be seen by the trial court. I do not find any ground for interference in the proceeding pending before the court below by way of exercising the inherent jurisdiction under Section 482 Cr.P.C.

Accordingly, the petition is dismissed in limine.

It is requested by the learned counsel for the petitioner that in case, if the petitioner appears before the court below for obtaining bail, his bail may be considered by the court concerned on the same day.

I however, direct that in case, if the petitioner appears before the court below for obtaining the bail, his bail should be decided by the court concerned expeditiously.

(B.C. Kandpal, J.)

07.09.2005
ASWAL